

**Notice of Allowability**

Application No.

10/612,808

Examiner

Manav Seth

Applicant(s)

LEWIS ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/19/2007.
2. ☒ The allowed claim(s) is/are 1, 3-6, 12 and 22-26 (renumbered as 1-11).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 07/02/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20071207.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

JINGGE WU  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### Response to Amendment

1. Applicant's amendment filed on November 19, 2007 has been considered and entered in full.
2. Applicant's amendments to claims have been considered and are persuasive; therefore all the rejections on the respective claims have been withdrawn.

### *Examiner's Amendment*

3. The restriction election without traverse by the applicant withdraws claims 7-11 and 14-21 from examination and these claims hereby are cancelled by examiner's amendment.
4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney/agent of record, Mr. Robert B. Sundheim, Registration No. 20, 127, on 12/07/2007,

Examiner's amendment:

*In The Claims*

a. The following changes to the claims have been approved by the examiner and agreed upon by applicant:

(i) **Replace** claim 12 limitation “A computer program product, operative in a data processing system, for determining an optimal classifier model for a pattern recognition system, comprising:”;  
**with**

(Currently Amended) “A computer program product comprising a computer readable medium encoded with computer executable instructions, operative in a data processing system, for determining an optimal classifier model for a pattern recognition system, comprising:”.

*Allowable Subject Matter*

**Reasons of Allowance:**

5. Claims 1, 3-6, 12 and 22-26 (renumbered as 1-11) are allowed.

The following is an examiner's statement of reasons of allowance:

The reasons of allowance for claims 1, 3-6, 12 and 22-26 should be evident from the previous office action mailed on 08/16/2007. In the previous office action both claims 2 and 5 were objected to such that if rewritten in independent form would be allowable. The current amendment filed provides claim 1 with subject matter of claim 2 added to it and new claim 22 with subject matter as recited in claim 5. Both the instant invention and the closest prior art Bellegarda et al., U.S.

Patent 5,544,257, are directed to determining an optimal classifier model for a pattern recognition system. The instant invention further recites iterative optimization routine which further comprises determining an architecture for each selected classifier model according to an optimization algorithm in combination with other steps” as recited in claims 1 and 12, and further recites additional steps of updating the accepted classifier to recognize additional classes using cluster analysis steps as recited in claim 22, these features have not been taught by the prior art of record. Therefore claims 1, 12 and 22 are allowed. All other claims depending on claims 1, 12 and 22 are allowable at least by dependency on claims 1, 12 and 22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manav Seth whose telephone number is (571) 272-7456. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

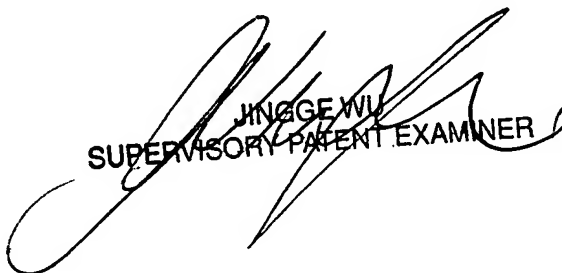
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Manav Seth  
Art Unit 2624  
December 7, 2007



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